

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 21-2234

United States of America

Appellee

v.

Christopher Stowell

Appellant

Eighth Circuit Federal Public Defender Offices

Amicus on Behalf of Appellant(s)

Appeal from U.S. District Court for the Western District of Arkansas - Ft. Smith
(2:20-cr-20019-PKH-1)

ORDER

Rehearing en banc was granted in this case on November 15, 2022. The clerk is directed to set the matter for oral argument on Tuesday, April 11, 2023 at 9:00 a.m., in St. Louis, Missouri.

It is further ordered that Mr. James F. Bennett, having agreed to work on a pro bono basis, is appointed for the purposes of filing an amicus brief and presenting oral argument.

The parties, including the amicus, are invited to submit supplemental briefing to the court en banc addressing the following questions, as well as any other issues they deem relevant:

- (1) Whether the Sixth Amendment requires the “separate occasions” determination to be made by a jury; and
- (2) whether the panel opinion conflicts with *Wooden v. United States*, 142 S.Ct. 1063 (2022).

These briefs are due simultaneously on March 17, 2023. The parties shall submit 30 copies of the supplemental briefs.

February 23, 2023

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans